

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA (EASTERN)

MOREHOUSE ENTERPRISES, LLC d/b/a
BRIDGE CITY ORDNANCE, *et al.*,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, *et al.*,

Defendants.

No. 3:22-CV-00116-PDW-ARS

Hon. Peter D. Welte

Hon. Alice R. Senechal

**MOTION OF 17 MAJOR CITIES AND PROSECUTORS AGAINST GUN VIOLENCE
FOR LEAVE TO FILE A MEMORANDUM OF LAW AS *AMICUS CURIAE***

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Pursuant to Rule 7 of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Rules of the United States District Court for the District of North Dakota, 17 major cities across the United States (the “Amici Cities”) and Prosecutors Against Gun Violence (“PAGV,” and together with the Amici Cities, the “Amici”) hereby respectfully move for leave to file an amicus brief in support of Defendants’ Opposition to Plaintiffs’ Motion for a Preliminary Injunction. Defendants do not oppose Amici’s motion. Plaintiffs take no position on Amici’s motion to file an amicus brief in support of Defendants and defer to the Court as to whether such briefing is helpful or appropriate. A copy of the proposed amicus brief is attached hereto as Exhibit A. A proposed order is attached as Exhibit B.

The Amici respectfully submit that the attached brief will provide timely assistance to the Court in evaluating Plaintiffs’ pending Motion to enjoin a federal rule that ensures lawful regulation of the core components of “ghost guns,” particularly given the Amici’s experience with the underlying legal and factual issues. *See, e.g.,* Order, *Vanessa Dundon, et al. v. Kyle Kirchmeier, et al.*, 16-CV-00406, ECF No. 277 (D.N.D. Aug. 16, 2021) (granting leave to file amicus brief where proposed amicus represented that the brief would “assist the Court in its decision”) (Senechal, M.J.); Order, *White River Royalties, LLC, et al. v. Hess Bakken Investments II, L.L.C.*, 19-CV-00218, ECF No. 27 (D.N.D. Feb. 18, 2020) (granting leave to file amicus brief because the “brief may be helpful in resolving the issues”); Order, *The Religious Sisters of Mercy, et al. v. Sylvia Burwell, et al.*, 16-CV-00386, ECF No. 14 (D.N.D. Dec. 8, 2016) (granting leave to file amicus brief where proposed amicus represented that it regularly filed “amicus curiae briefs in state and federal courts” and had litigated “the very issue presented” in the case) (Senechal, M.J.).

The Amici Cities, which have a collective population of 25 million Americans, are

deeply concerned with the growing spread of ghost guns. They are a coalition of municipalities, diverse in terms of geography, size and composition, that are all united by a common purpose—to protect the health and safety of their residents from the rising tide of gun violence on their streets and across the country.

PAGV is an independent, nonpartisan group that identifies and promotes prosecutorial and policy solutions for the national public health and safety crisis of gun violence. PAGV's membership comprises 70 elected prosecutors, who collectively serve over 65 million Americans in 30 states. Its mission includes sharing best practices for prosecuting gun offenders and defending common-sense gun safety policies.

The Amici respectfully request that this Court exercise its discretion to permit the Amici to file the attached *amicus curiae* brief. The brief offers a unique perspective on the issues in this case and does not unduly repeat the parties' arguments. Specifically, the Amici draw upon their collective experiences to provide the Court with data and specific, real-world examples of the effects of ghost guns on public safety and the unique challenges that these unserialized and untraceable guns present to prosecutors and local law enforcement agencies that are tasked with preventing and prosecuting gun crime.

For the foregoing reasons, the Amici respectfully request that this motion for leave to file the accompanying memorandum of law as *amici curiae* be granted.

Dated: August 17, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2022, a true and accurate copy of the foregoing brief was electronically filed with the Court using the CM/ECF system. Pursuant to District of North Dakota Administrative Policy Governing Electronic Filing and Service §IX(A)(2), service on counsel for all parties will be accomplished through the Court's electronic filing system.

August 17, 2022

Respectfully Submitted,

By: /s/ Lee S. Richards